

Bayamón Acquisition Properties, Inc.

RR-9 Box 1892 San Juan, PR 00926
Tel. (787) 250-2000 ❖ Fax 1(888) 325-6786

2013 JUL 12 PM 3:45

July 12, 2013

Eng. Carlos R. Villafañe, P.E.
Active Branch Chief
Multimedia Permits and Compliance Branch
Attention: Eng. Hector D. Ortiz
Environmental Engineering
Caribbean Environment Protection Division
US Environmental Protection Agency, Region 2
City view Plaza II - Suite 7000
#48, PR-165 Km. 1.2
Guaynabo, PR 00968-8069

Wanda Garcia, Director
Water Quality Area
Puerto Rico Environmental Quality Board
P.O. Box 11488
Santurce, PR 00910
Attn: Director Water Quality Area

Re: Request for information, Pursuant to Section 308 of the Clean Water Act
CEPD-CWA-02-IR-2013-007
Valley View Park and Valley View Village, Developments Sanitary Wastewater
Collection Systems (SWWCSs), Caguas PR
NPDES Tracking Number: PRU002779
Bayamon Acquisition Properties, Inc.

Ladies and Gentlemen:

We are in receipt of your letter dated June 26, 2013 and received by us via certified mail on July 9, 2013 in regards to the project Valley View in Caguas Puerto Rico.

After your call in regards to your inspection made to the project on June 11, 2013, we immediately responded you a letter via your email ortiz.hector@epa.gov on June 13, 2013 answering most of the questions raised from inspection. Attached copy with supporting evidence.

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9. Enclosed please find Site plan identified as "Zona de Goteo de Saniplant" identifying the SWWS private plant location. The temporary tank is located 50 feet in front of the private plant built waiting connection. The entry of the trucks if through the future entrance of Valley View Village, Street A and E that connect to Street S designated exclusively as access for service and maintenance to where permanent private plant is built and temporary tank is installed. See exhibits 19-24.
10. The volume gallon capacity of the temporary tank is of 10,000 gallons to service the 12 residences of VVP. These 12 units were delivered during December 2010 to January 2012. The final design for the SWWS private plant for 12 houses of VVP and future 44 of VVV was finished in September 2011 and signed Order to proceed on April 2012. The Hauling Tank does not have access to the unnamed creek, "Quebrada Sin Nombre". See photo exhibit 25.
11. See attached Saniplant statement for rent and vacuum services. See exhibit 26.
12. See attached Saniplant statement that includes PRASA manifests for Valley View Park. See exhibit 26.
13. See attached drawings for sanitary collection and pumping facilities. See Exhibits 2-9 and 27-28.

Additionally we are including the following documents:

1. Letter from Saniplant ratifying service to Valley View Park since December 2010 and Service rendered to the Pump Station on June 11, 2013. See Exhibits 27-28.
2. Judicial document "Orden Designando Sindico por estipulacion". See Exhibit 29.

In regards to inspection and complaint by the residents of Valley View Park my comments and corrections:

General Information: Please correct that Valley View Village (44 units) has 15 finished units and ready to deliver plus 27 unfinished.

With respect to the Citizens complaint: We are mostly in disagreement. The VVP residents met with us and Saniplant personally at the project in May 2012 in order to review the details of the SWWS private plant operation and the status of construction, we there informed them that the connection should be finished by October of the same year. Saniplant indicated to the residents that once the SWWS plant was delivered to the association of resident, the expenses for the maintenance and services including the operator of the plant would have to be shared by all the residents of VVP and future residents of VVV, facing out gradually the contribution of the developer as the residents move in.

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Response to Requested information:

1. Bayamon Acquisition Properties Inc. designed a project of 35 units in lots from 900 to 1,600 meters with 400K prices, where only 12 units were sold in 2011 and currently reside 12 families, Valley View Park (VVP). Due to the severe economic crisis and the real estate market downturn, our company redesigned the project, in the same footprint, a second project named Valley View Village (VVV) of 44 lots of an average of 300 meters and making it more affordable for the current real estate demand. For the detailed chronological events of the Valley View Development please see attached letter (Exhibit 1) sent via email to ortizhector@epa.gov on June 13, 2013 after our phone conversation in the morning of June 12, 2013.
2. Attached are Plans for Sanitary Sewer System and Storm Water Sewers. See exhibits 2-9
3. Attached are Plans for Sanitary Sewer System and Storm Water Sewers. See exhibits 2-9
4. Attached please find the Urbanization permits for both projects. See Exhibit 10 and 11.
5. Attached please find documents of temporary sanitary wastewater discharge from Saniplant. See Exhibits 12 - 14.
6. PRASA does not have sanitary facilities in the area. See Letters of endorsement from AAA (Autoridad de Acueductos y Alcantarillados) for both projects, VVP and VVV. See Exhibits 15-17.
7. During the process of the construction of the SWWS private plant the VVP sanitary system was connected to a temporary tank. The SWWS plant is not connected permanently. When plant is finished the operation and maintenance will be responsibility of the residents of VVP and future residents of VVV. Saniplant will provide operation manual and maintenance agreement to the association when connected.
8. At the present time there is no written hauling agreement with Saniplant. Saniplant has given the service temporarily since the VVP-12 houses were delivered and while the SWWS private plant was being built for the whole project. Valley View Village is still under construction and has been stopped because of a legal controversy with the Construction Loan Bank, Doral Bank. The hauling has been programmed and paid by our company since the residents of VVP do not arrange for service or payment even though they have accepted in the restrictions deed (Escritura de Servidumbre en Equidad y Condiciones Restrictivas de VVP), signed at closing that included an estimated maintenance fee with an amount item for this service. See Exhibit 18.


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The situation with the manhole overflow in the entrance was a onetime event, this was attended the same day by Saniplant, where service to the pump station was made and fixed. This is the first service made to the system since installed. It is incorrect to say that no maintenance has been made to the system since December 26, 2010 and to say that these incidents have been happening since the first house was sold more than 2 ½ years ago. The 12 residents of Valley View Park continue to refuse to assume the responsibility of the maintenance of their section of the project including the SWWS facilities that also includes a Power Generator to provide the service when no electricity is available. At closings we suggested a \$175.00 maintenance fee that included an item of \$60.00 for sanitary service and maintenance and \$25.00 for electricity expenses to cover power generator for Pump Station. The only users of the Pump Station are the residents of VVP. On December 26, 2011 we delivered to Mr. Felix A. Morales resident of unit #2 and to Mr Abraham Suarez of units #6 of VVP, all documentation necessary to open the accounting books for the operation of the association of residents and begin collecting maintenance fees that include the sanitary system. I clearly explained the situation with the construction financing with Doral Bank and that they must take responsibility for some maintenance until the situation is resolved. See exhibits 18, 27 and 28.

Due to the delays in redesign, weather and site preparation during the delivery of the 12 houses of VVP we rented a provisional tank on a monthly basis at \$1,000.00 per month. See Exhibit 29.

We want to emphasize that Valley View Village construction has been halted since December 2012 because of a legal controversy with the Construction Loan Bank, Doral Bank and disbursements. We have been assigned by court, a judicial administrator to continue construction of project while our controversy is settled, including permits and connection of SWWS private plant. Our main concern as well as Saniplant during the construction, was to arrange our permits and connect the permanent plant for the whole project of VVV by October 2012 including the 12 houses of Valley View Park. Saniplant has built 100% the concrete gaskets and 30% of Leaching Fields of the SWWS private plant but cannot connect until disbursements from the bank are released for works done. This agreement in court was reached in April and to date no works or permit arrangements have been made. Please refer to judicial document "Orden Designando Sindico por Estipulación". To this date we have had no communication on the part of Mr. Miguel Diaz, assigned judicial administrator, selected by Doral Bank, and have not received his professional credentials. See Exhibit 30.

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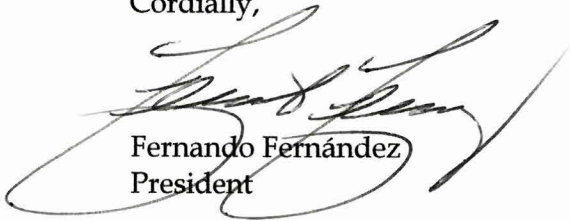
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I certify under penalty of law that this document and attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Please contact me at your convenience if you need additional information in regards to this matter at my cellular phone # 787-636-9514 and or via email to fernando@dpdpr.com. I am at your service.

Cordially,



Fernando Fernández
President

Cc: Antonio Dávila, Saniplant
Esq. Edilberto Berrios Longo, BAP

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Wastewater Collection Systems (SWWCSs), Caguas PR
NPDES Tracking Number: PRU002779
Bayamon Acquisition Properties, Inc.**



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27 Entrega de Documentos y Estado... de VVP.pdf

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27- Saniplant Letter to BAP re Pump Station.pdf

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28- Service to Pump Station 0611201...ew Park.pdf

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29- Saniplant Temporary Sanitary Ta...invoices.pdf

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